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Amendment A

Remarks:

Responsive to the Official Action mailed August 16, 2004 in which claims 1-8 were rejected, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-8 in view of the following remarks.

Examiner Paradiso has rejected claims 1-8 under 35 U.S.C. §103(a) as unpatentable over Shibazaki et al, U.S. Patent No. 5,442,899. Shibazaki is characterized as disclosing a strapping machine for positioning a strap around a load in which a chute is attached to a frame, a strap is guided around the chute and then the leading edge is welded to a second area of the strap by means of a strapping head and the strap is tightened and then sealed to itself.

The Examiner concedes that Shibazaki does not disclose the specifics of the movable walls or brush, but states that the use of adjustable/movable internal and/or external walls/panels to provide the most effective housing for machinery is well known in the mechanical arts and that it would have been obvious to one of skill in the art at the time the invention was made to modify the invention disclosed in Shibazaki in the claimed manner to provide the most effective housing so that operators can access and troubleshoot as necessary. Regarding the brush, the Examiner states that it is well known in the mechanical arts to brush clean a web or tape, such as the brush in a cassette tape player, and that it would have been obvious to one of skill in the art to add a brush to the machine of Shibazaki to ensure a clean workable web surface.

The present invention is directed to a strapping machine that, like many such strapping machines, includes generally, a frame, a strap chute mounted to the frame having a fixed wall cooperating with a movable wall that, in a first position, defines a strap path through the strap chute and in a second position, releases the strap material from the strap path, and a strapping head mounted to the frame that is configured to convey the strap material into the chute and around the chute and to take-up and tension the strap material around the load.

The present invention, however, unlike known strappers and, unlike the Shibazaki patent, includes means for restricting release of the strap material from the chute to sequentially exit the chute, or viewed another way, means for sequentially releasing the strap material from the chute

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as the strap material is pulled onto the load. Nothing the Shibazaki even remotely suggests, teaches or suggests such restricting or releasing means. Nor does anything in Shibazaki suggest, teach or motivate to make the structure claimed in claim 1, namely, a strap chute brush disposed between the movable wall and the load such that the brush has a length having a plurality of bristles transversely disposed along the length of the brush, with the bristles extending proximal to the fixed wall and defining a gap between an end of the bristles and the fixed wall. In this configuration, the bristles and the gap are configured to sequentially release the strap material from the chute as the strap material is pulled onto the load.

This is not to say that brushes are not well known for wiping to ensure a clean workable web surface – clearly they are. However this is a simplification of (and not fully descriptive or inclusive of) the claimed structure and function. That is, while brushes may wipe or clean, there is nothing in the art of record that would suggest to one skilled in the art to define a gap between the bristles (of the brush) and the fixed wall so that there is a sequential release of the strap from the chute as the strap is pulled onto the load.

To this end, Applicant submits that because there is no showing of a suggestion, motivation or teaching to make the asserted combination, the rejection is improper and should be withdrawn. While the Examiner states that the use of brushes to wipe or clean is known, the Examiner makes no showing to the claimed structure and function to sequentially release strap from the chute as the strap is pulled onto the load.

In summary, Applicant believes that the rejection is in error and respectfully traverses same. To this end, Applicant submits that claims 1-8 are allowable over the art of record and in condition for allowance and respectfully and earnestly solicits early indication of same.

Applicant submits that no fee is due in connection with the present AMENDMENT A. If, however, there is a fee due, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920. Should any petitions be necessary, it is respectfully requested that the present paper constitute any such necessary petition.

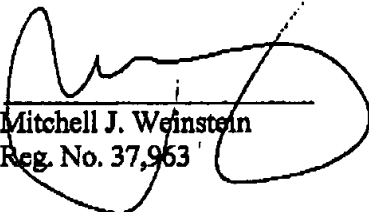
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Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

By

  
Mitchell J. Weinstein  
Reg. No. 37,963

November 9, 2004  
**WELSH & KATZ, LTD.**  
120 South Riverside Plaza, 22<sup>nd</sup> Floor  
Chicago, Illinois 60606  
(312) 655-1500 Telephone  
(312) 655-1501 Facsimile